

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MATT FOSTER,

Plaintiff,

-against-

UPS GROUND FREIGHT, INC., UNITED PARCEL
SERVICE OF AMERICA, INC., and T FORCE
FREIGHT, INC.,

Defendants.

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MATT FOSTER,

Plaintiff,

-against-

UNITED PARCEL SERVICE OF AMERICA, INC.,

Defendant.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

Defendants seek an order from the Court, directing the production of mental health care records for the treatment provided to Plaintiff's deceased son, Matthew Robert Foster. ECF No. 170. In a prior order issued on January 12, 2024, the Court ordered a number of mental health care providers to produce any mental health care records in their possession for Matthew Robert Foster for the period from January 1, 2016 to January 1, 2020. ECF No. 158 ("January 12 Order"). Records received from those providers identified a number of additional providers who treated Matthew Robert Foster: Lexington Center for Recovery, The Children's Medical Group PLLC, Family Services Inc. (formerly d/b/a "Hudson Valley Medical Health Inc."), and Sarah

ORDER

18-cv-1706 (NSR) (AEK)

18-cv-10294 (NSR) (AEK)

19-cv-6501 (NSR) (AEK)

Walk. ECF No. 170 at 1. Defendants would like to subpoena mental health care records for Matthew Robert Foster that are in the possession of these mental health care providers as well.

New York’s Mental Hygiene Law provides that certain mental health care records shall not be released, except “pursuant to an order of a court of record requiring disclosure upon a finding by the court that the interests of justice significantly outweigh the need for confidentiality” N.Y. Mental Hygiene Law § 33.13(c)(1). As explained in the January 12 Order, the Court finds that the interests of justice warrant the disclosure of the mental health care records that Defendants seek to subpoena, as they form a substantial basis for one of Defendants’ defenses to one of Plaintiff’s most significant bases for damages in this litigation.

Accordingly, the Court hereby ORDERS Lexington Center for Recovery, The Children’s Medical Group PLLC, Family Services Inc. (formerly d/b/a “Hudson Valley Medical Health Inc.”), and Sarah Walk to produce any mental health care records in their possession for **Matthew Robert Foster** for the period from January 1, 2016, to January 1, 2020.

Dated: June 10, 2024
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge